

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

IN RE MASSEY ENERGY CO.
SECURITIES LITIGATION

CIVIL ACTION NO. 5:10-cv-00689
(consolidated with 5:10-cv-00776)

ORDER

The Court has reviewed the parties' *Notice of Stipulation to Mediate* (Document 171) and Stipulation of Mediation (Document 171-1), wherein the parties advise the Court that, although they have engaged in settlement discussions since December 2011, they have now determined that the assistance of a mediator would be beneficial to the resolution of this action. The parties have stipulated on the manner of their mediation. The Court will construe the Notice of Stipulation to Mediate as a motion.

Upon consideration of the construed motion and the Court's ruling on the Motion of the United States to Continue Stay of Discovery and for In Camera Ex Parte Hearing (Document 170), the Court does hereby **ORDER** that the parties' Motion to Stipulate to Mediation be **GRANTED IN PART**. The Court also **ORDERS** that discovery and further prosecution of this action be deferred for 180 days; that the parties must seek from this Court, upon a showing of good cause, any further extension of this stay if this civil action is not resolved during this 180-day deferment; and that the parties must advise the Court of its progress, if any, made in mediation no later than 90 days from the date hereof.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: July 18, 2013

A handwritten signature in blue ink, reading "Irene C. Berger", is written over a horizontal line.

IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA